

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA,)
) Case No. 1:17-CR-00190
) (RJA) (MJR)
 Plaintiff,)
)
 vs.) July 27th, 2022
) 2:38 p.m.
 G. STEVEN PIGEON,)
)
 Defendant.)

**TRANSCRIPT OF SENTENCING
BEFORE THE HONORABLE RICHARD J. ARCARA
SENIOR UNITED STATES DISTRICT JUDGE**

APPEARANCES:

For the Plaintiff: TRINI E. ROSS, ESQ.
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ASSISTANT UNITED STATES ATTORNEY
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U.S. DEPARTMENT OF JUSTICE
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For the Defendant: LIPSITZ GREEN SCIME CAMBRIA LLP
BY: PAUL CAMBRIA, ESQ.
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Probation Officer: TINA BLACKMAN

Court Reporter: MEGAN E. PELKA, RPR
Robert H. Jackson US Courthouse
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02:38PM 1 THE CLERK: This is case 17-CR-190. United States v.
02:38PM 2 G. Steven Pigeon. Sentencing. Counsel, please state your
02:38PM 3 name and the party you represent for the record.

02:38PM 4 MR. KELLER: John Keller and Paul Bonnano on behalf
02:38PM 5 of the government, Your Honor.

02:38PM 6 MR. CAMBRIA: Paul Cambria and Justin Ginter on
02:38PM 7 behalf of the defendant, Your Honor.

02:38PM 8 THE COURT: Good afternoon, gentlemen. Are we ready
02:38PM 9 to proceed?

02:38PM 10 MR. KELLER: Yes, Your Honor. Before we proceed, I
02:38PM 11 just wanted to place on the record that the parties, prior to
02:39PM 12 sentencing this afternoon, had an opportunity to discuss with
02:39PM 13 the Court some previous filings that had been filed under
02:39PM 14 seal. The Court permitted the parties an opportunity to file
02:39PM 15 those publicly so that all of the relevant facts are in the
02:39PM 16 public record. We appreciate the Court's indulgence and are
02:39PM 17 ready to move forward.

02:39PM 18 MR. CAMBRIA: Yes. I agree with that, Your Honor.
02:39PM 19 We're sorry for the delay, but we appreciate the opportunity
02:39PM 20 you gave us to file those matters.

02:39PM 21 THE COURT: Okay. All right. We're ready to
02:39PM 22 proceed.

02:39PM 23 The defendant, Steven Pigeon, stands before the Court on
02:39PM 24 his previous plea of guilty to one count of conspiracy to
02:39PM 25 cause a donation of \$25,000 or more to be made by a foreign

02:39PM 1 national to a campaign in connection with a state election in
02:39PM 2 violation of Title 52, United States Code, Section 30121 and
02:40PM 3 30109(d)(1)(A)(i); all in violation of Title 18, United States
02:40PM 4 Code, Section 371. I know that counsel have had an
02:40PM 5 opportunity to review the report and I assume, Mr. Cambria,
02:40PM 6 you've had a chance to review the report with your client.

02:40PM 7 MR. CAMBRIA: Yes, I have.

02:40PM 8 THE COURT: The Court hereby accepts the terms and
02:40PM 9 conditions of the plea agreement and the plea of guilty to
02:40PM 10 conspiracy to cause a donation of \$25,000 or more to be made
02:40PM 11 by a foreign national to a campaign in connection with a state
02:40PM 12 election. I will place the report in the record under seal.
02:40PM 13 If an appeal is filed, counsel on appeal will be permitted
02:40PM 14 access to the sealed report, except that counsel on appeal
02:40PM 15 will not be permitted access to the recommendation section.

02:40PM 16 The parties have filed the appropriate statement of
02:40PM 17 parties with respect to sentencing factors. There's no
02:40PM 18 dispute about the facts contained in the report and, therefor,
02:40PM 19 the Court adopts these facts as its findings of fact and
02:41PM 20 hereby incorporates them in the record. There are no
02:41PM 21 objections to the probation officer's conclusions as to the
02:41PM 22 applicable guidelines.

02:41PM 23 The report recommends that the defendant's base offense
02:41PM 24 level under Guideline Section 2X1.1 and 2C1.8(a) is 8. Report
02:41PM 25 also recommends that because, under Guideline Section

2C1.8(b)(1), the value of the illegal transaction exceeded \$5,500, specifically \$25,000, a four-level upward adjustment pursuant to Guideline Section 2B1.1(b)(1)(C) applies, as the loss was greater than 15,000 but not more than \$40,000. The report also recommends a two-level upward adjustment pursuant to Guideline Section 2C1.8(b)(2)(A), as the offense involved an illegal transaction made or received from a foreign national.

The report also recommends a two-level downward adjustment based upon the defendant's acceptance of responsibility and accordingly recommends the offense level should be properly calculated at level 12, and the criminal history category should be properly calculated as category I.

Under this calculation, the advisory range for imprisonment is 10 to 16 months. The statutory term of imprisonment is a maximum of five years. The advisory guideline range for supervised release is a term of one to three years. The advisory range for a fine is 3,000 to \$30,000 plus the cost of imprisonment and supervised release.

In accordance with the Supreme Court decision in *U.S. v. Booker* and the Second Circuit decision in *U.S. v. Crosby*, this Court must consider the guidelines, is not bound by them. The Court must also consider the factors set forth in 18 USC 3553(a).

Now, the government has moved for a four-level downward

02:43PM 1 departure pursuant to 5K1.1. I've reviewed the government's
02:43PM 2 motion, and the Court finds it should be granted, and the
02:43PM 3 applicable guideline range shall be reduced by four levels.
02:43PM 4 So, the offense level now is 8 and a range of -- zero to six
02:43PM 5 months of imprisonment is now the guideline range.

02:43PM 6 I am in receipt of 13 character letters submitted on
02:43PM 7 behalf of the defendant, the defendant's sentencing
02:43PM 8 memorandum, and the government's sentencing memorandum, which
02:43PM 9 I have reviewed and considered, and I've considered all the
02:43PM 10 filings by counsel. I think with that, I think that pretty
02:43PM 11 much sets forth the parameters here. Mr. Cambria or
02:43PM 12 Mr. Ginter, whoever.

02:43PM 13 MR. CAMBRIA: Yes. Your Honor would like me to be --

02:43PM 14 THE COURT: Whatever you feel. It doesn't make any
02:43PM 15 difference.

02:43PM 16 MR. CAMBRIA: Thank you, Your Honor. A number of
02:43PM 17 things. As is your habit, based on my prior long experience
02:44PM 18 in appearing before you, I know that you have read everything
02:44PM 19 that's been submitted by both sides and all of the character
02:44PM 20 letters and so long that have been submitted by the defense.

02:44PM 21 The government is asking for you to sentence my client to
02:44PM 22 six months of incarceration. We're asking you to give him a
02:44PM 23 probationary sentence. And there's a reason -- there's
02:44PM 24 several reasons for that.

02:44PM 25 First of all, there's reference made by the government to

the charges that are in the state court. Clearly, this Court should not punish my client based on those charges since that sentencing will occur tomorrow. And what, if any, punishment should arise from that will be decided in that forum by another judge. And so, there shouldn't be a double penalty, if you will, as a result of that.

I think the things that are important to consider are the following. The government says, of course you need to make an example. These events which underlie these charges are serious, and such that there has to be a message sent, if you will, that, you know, acts like this will not be tolerated.

Well, first and foremost, by pleading guilty, my client has already sentenced -- partially sentenced himself because, obviously, he now has a felony record. And in addition to that, he has had to give up his license as an attorney, and is not in a position, as a result of entering that plea, of practicing, basically, what he has done for employment for many, many years.

So, already, he has certainly paid a very high price and penalty for his conduct. What's of note is that he readily admitted his conduct. He readily admitted the wrongful nature of his conduct. He makes no excuses for it. He has made no excuses for that conduct. He's accepted that responsibility. So, in addition -- so, probation. Some people take that lightly and think that that's not a significant sentence.

02:46PM 1 It's a very significant sentence because, basically, your life
02:47PM 2 is controlled. You have to report. You have to account. You
02:47PM 3 have curfews. You have a lot of different things that
02:47PM 4 interfere with your day-to-day life and, obviously, punish
02:47PM 5 you.

02:47PM 6 In addition to that, Your Honor, over five years my client
02:47PM 7 has been under supervision, pretrial supervision. And so,
02:47PM 8 over five years, his life has been restricted. It's been
02:47PM 9 restricted significantly where he can travel, what he can do,
02:47PM 10 et cetera. So, besides losing his profession, losing his
02:47PM 11 license, losing his ability to practice the business that he
02:47PM 12 practiced for many years, he's been under constant supervision
02:47PM 13 with no demerits, if you will, to that supervision for over
02:47PM 14 five years.

02:47PM 15 And so, I submit that a significant message is sent out as
02:48PM 16 a result of all of that. Somebody analyzing this case,
02:48PM 17 they're going to say, well, for a \$25,000 contribution by a
02:48PM 18 Canadian individual, this man has given up basically his
02:48PM 19 liberty for over five years. If he's placed on probation, it
02:48PM 20 would be additional years.

02:48PM 21 He's given up his profession. He now is a felon. He has
02:48PM 22 readily admitted all of these things. And so, I submit that
02:48PM 23 is a significant punishment. And so -- and not some light
02:48PM 24 punishment. And I submit that that is sufficient but not
02:48PM 25 excessive, which the statute, of course, deals with.

02:48PM 1 On page 5 of the prosecution's submission, they cite a
02:49PM 2 couple cases there and try to basically say, well, in similar
02:49PM 3 cases, look at the sentence that's been imposed. Those cases
02:49PM 4 are not similar. The individuals and their activity are
02:49PM 5 different than my client, significantly different. And so, I
02:49PM 6 suggest that they are not in any way something that should be
02:49PM 7 a guiding light, if you will, with regard to this.

02:49PM 8 THE COURT: Mr. Cambria, I have a tendency to agree
02:49PM 9 with you on that. Many times, in this courtroom, I've had
02:49PM 10 cases where counsel on a different side for, let's say a more
02:49PM 11 lenient sentence, defense counsel will cite other cases of
02:49PM 12 other judges imposing sentences under allegedly similar
02:50PM 13 circumstances.

02:50PM 14 My question to counsel is always like, well, have you read
02:50PM 15 the presentence report from the other individuals? And the
02:50PM 16 answer is obviously going to be no. And I said, well, how do
02:50PM 17 you know what factors that judge considered in imposing
02:50PM 18 sentence; because I am not familiar with that particular case
02:50PM 19 or what factors the judge considered in imposing those
02:50PM 20 sentences; because I haven't had access to the report.

02:50PM 21 So, I don't find it very helpful, a lot of times, when you
02:50PM 22 do cite other cases with similar sentences or appears to be
02:50PM 23 similar sentences because, in sentencing, as you are fully
02:50PM 24 aware, Mr. Cambria, there's a lot of factors that a court must
02:50PM 25 take a look at in trying to impose the sentence; considering

1 the guidelines, considering the 3553 factors, in imposing a
2 sentence that is fair and reasonable, which is subject to
3 review. Particularly if there's an appeal made, and a higher
4 court takes a look at what the sentence should be, the higher
5 court would say was this sentence reasonable. And the Second
6 Circuit -- I know because I read all their opinions -- is
7 constantly looking at sentences to see whether or not they're
8 reasonable.

9 So, even though the government has cited other cases, I
10 don't know what the background of those cases were, what the
11 factors were, because I haven't head the presentence report
12 nor do I know anything about the case other than what's in the
13 written decision that is being cited here.

14 So, I certainly have read those cases. I'm aware of those
15 cases, but are they really helpful? I don't think they are as
16 helpful as counsel, the government in this case, may think
17 they are, because I don't know all the details. I don't know
18 any details other than what's in the decision. So, I will
19 give it the appropriate consideration just so you're aware.

20 MR. CAMBRIA: I appreciate that. Your Honor, a
21 couple other points. Certain aspects of the consequences that
22 he has already suffered are lifetime. Felony conviction is
23 lifetime. Loss of law license, lifetime. Loss of the ability
24 to practice his profession, lifetime. As opposed to six
25 months in jail, once it's over it's over, he already has

02:52PM 1 several punishments in place that will be with him for his
02:52PM 2 life. And so, the other thing that the cases and the statute
02:52PM 3 talked about is deterrence. There isn't a chance in the world
02:53PM 4 that this man would repeat any of the conduct that he has so
02:53PM 5 readily admitted here.

02:53PM 6 And no one who looks at this case objectively -- and if
02:53PM 7 you were to sentence him to a probationary term or something
02:53PM 8 other than that other than incarceration -- there isn't anyone
02:53PM 9 who could look at this case and say, oh, well, that was easy.
02:53PM 10 There's nothing easy when you lose basically things that were
02:53PM 11 near and dear and necessary to your life for your entire life.
02:53PM 12 And that's what's happened.

02:53PM 13 I think it's important that he admitted his guilt. This
02:53PM 14 isn't after a trial and after a finding and after a claim, oh,
02:53PM 15 this didn't happen and I'm innocent and so on. None of that
02:53PM 16 happened here. He readily admitted this. Probation report
02:54PM 17 reflects that. He's had no infractions in all the years that
02:54PM 18 he's been under supervision. So, I submit to Your Honor that,
02:54PM 19 plus a number of things that were brought out in his character
02:54PM 20 letters. Obviously, he's an individual who had no reputation
02:54PM 21 issues prior to the events that occurred here.

02:54PM 22 So, I ask you, given all of that, and given all of the
02:54PM 23 penalties that have already been felt but will remain with
02:54PM 24 him, that a sentence other than incarceration would be fair,
02:54PM 25 would not be too little and it would not be too much. I

02:54PM 1 appreciate your time, Your Honor thank you.

02:55PM 2 THE COURT: You can be seated.

02:55PM 3 MR. CAMBRIA: You want him to speak?

02:55PM 4 THE COURT: Yes. I'll hear from you. You can be
02:55PM 5 seated there or whatever you want to do, Mr. Pigeon, whatever
02:55PM 6 is more comfortable.

02:55PM 7 THE DEFENDANT: Yes, Your Honor. Thank you. I just
02:55PM 8 wanted to say that I do accept responsibility for my actions
02:55PM 9 and am very sorry for them. I also appreciate the time and
02:55PM 10 consideration that I know you've put into reviewing this case
02:55PM 11 and I just wanted to thank you for that, and let you know that
02:55PM 12 that is what I'm thinking. Thank you.

02:55PM 13 MR. KELLER: Thank you. Your Honor, this sentencing
02:55PM 14 is about illegal influence on our elections and about
02:56PM 15 corruption of our elected officials. Our government serves
02:56PM 16 the interest of this country, the United States of America.
02:56PM 17 We don't serve the interest of a foreign nation or foreign
02:56PM 18 corporation or foreign national. Our elected officials are
02:56PM 19 entrusted to represent the best interest of the communities
02:56PM 20 that they serve, their constituents, not foreign nationals,
02:56PM 21 and not individuals who have demonstrated willingness to try
02:56PM 22 to illegally influence them.

02:56PM 23 The defendant repeatedly sought to illegally influence our
02:56PM 24 government through the election, through bribery of an elected
02:56PM 25 state court judge, putting the financial interests of his

02:56PM 1 clients and himself before the best interest of the
02:56PM 2 communities that these governments are supposed to serve, that
02:57PM 3 these institutions are supposed to serve.

02:57PM 4 The defendant spent a career in politics. He knows the
02:57PM 5 law. He knows the rule. He knows the ideals that our
02:57PM 6 democracy is supposed to uphold. And yet, he has repeatedly
02:57PM 7 broken the law and undermined those ideals, shaking public
02:57PM 8 confidence in the security of our elections that they are
02:57PM 9 secure from foreign influence, that they are valid; shaking
02:57PM 10 public confidence in the principle that public officials will
02:57PM 11 serve their community with the community's best interest in
02:57PM 12 mind, and not be beholden to those with the means and the
02:57PM 13 willingness to illegally influence them.

02:57PM 14 Mr. Cambria made a comment that the Court should not
02:57PM 15 consider the pending sentencing the defendant -- or the
02:57PM 16 offense conduct underlying the pending sentencing for the
02:58PM 17 defendant in state court involving his bribery of a state
02:58PM 18 court judge, but 3553(a) requires the Court to consider the
02:58PM 19 history and characteristics of the defendant, in this context
02:58PM 20 especially, when we're dealing with the corruption of
02:58PM 21 government institutions.

02:58PM 22 The fact that he has demonstrated a history of willingness
02:58PM 23 to corrupt our government institutions is highly relevant, and
02:58PM 24 the Court should consider that as it impacts the appropriate
02:58PM 25 sentence to be imposed here.

02:58PM 1 This is not a garden-variety white collar offense or a
02:58PM 2 mere regulatory matter. The defendant's conduct promotes a
02:58PM 3 dangerous cynicism that our government is not for the people
02:58PM 4 by the people; it is, instead, up for sale to be bought by
02:59PM 5 those with access and means and willingness to skirt the law
02:59PM 6 for the best interest of a few instead of the interest of the
02:59PM 7 many.

02:59PM 8 Because of the seriousness of the offense, Your Honor, a
02:59PM 9 term of imprisonment is appropriate here. The government
02:59PM 10 certainly concedes that the guideline range is zero to six
02:59PM 11 months, and that a sentence within that range would be
02:59PM 12 reasonable, and sentences within that range would include non-
02:59PM 13 custodial probationary sentences.

02:59PM 14 And the government also takes the Court's point that every
02:59PM 15 defendant is different. Sentencing is a very individualized
02:59PM 16 process, and each case is different. But the sentences
02:59PM 17 imposed on other defendants who have engaged in similar
02:59PM 18 conduct, illegal contributions in state and federal elections,
03:00PM 19 those sentences reflect a consensus on the Court that this
03:00PM 20 conduct is serious and needs to be deterred, and needs to be
03:00PM 21 responded to, and addressed appropriately.

03:00PM 22 And though, certainly, Mr. Pigeon is distinguishable in
03:00PM 23 some ways from those defendants, and has accepted
03:00PM 24 responsibility here, his conduct, his offense conduct, is not
03:00PM 25 all that distinguishable, and his history and characteristics

03:00PM 1 are distinguishable in a way that does not benefit him.

03:00PM 2 Deterrence is important here, as the Court is aware, not

03:00PM 3 just specific deterrence for Mr. Pigeon, but general

03:00PM 4 deterrence for others who are watching; for others who are

03:00PM 5 considering whether to put the financial interest of

03:00PM 6 themselves and their clients ahead of our governmental

03:00PM 7 interests; ahead of the principles that underlie our

03:00PM 8 democracy; those that are watching to see how seriously the

03:01PM 9 Court takes this type of conduct. General deterrence is just

03:01PM 10 as important as specific deterrence here and weighs in favor

03:01PM 11 of a custodial sentence.

03:01PM 12 Your Honor, there aren't that many instances, fortunately,

03:01PM 13 of convictions for making foreign contributions in our

03:01PM 14 domestic elections. And that's a good thing that we can all

03:01PM 15 be thankful for. But that is all the more reason that when

03:01PM 16 there are instances of defendants facilitating foreign

03:01PM 17 influence on our domestic public officials, that it needs to

03:01PM 18 be addressed and responded to with appropriate severity. In

03:01PM 19 this case, that means a six-month sentence of imprisonment at

03:01PM 20 the high end of the guideline range. Thank you, Your Honor.

03:02PM 21 THE COURT: You know, I always thought that before I

03:02PM 22 became a judge that, boy, it's going to be a pretty easy job.

03:02PM 23 It's just -- particularly in my past life, I said that it

03:02PM 24 would be a piece of cake. Just go in there and just sentence

03:02PM 25 the people whatever I felt would be a good sentence. And

1 before the guidelines went into effect, which I was a judge
2 prior to the guidelines going into effect and then after the
3 guidelines went into effect.

4 I remember back and I had occasion to testify a couple of
5 times before the US Sentencing Commission. And I remember the
6 first time I did, there was were a number of judges sitting in
7 the hearing room. And I was getting -- and I was then a
8 proponent for the guidelines. And I can remember all those
9 judges kind of giving me the evil eye, like what are you
10 doing? We don't really want these guidelines. We don't want
11 them. And then, up to the present time, I think that
12 particularly except for maybe mandatory minimum sentences that
13 were imposed that we have come to work within the guidelines.

14 And I remember about three or four years ago, I was at a
15 judges' workshop, about 300 judges there, and it was amazing
16 how all the judges there -- and almost to the -- everyone I
17 talked to and everyone from the conversations that were
18 occurring and the presentations that were occurring, the
19 judges there -- and I can say this unanimously almost -- felt
20 that the guidelines were -- thank God they're there, and they
21 couldn't imagine a sentencing procedure where the guidelines
22 would not be there.

23 And I was quite surprised because it's like a 100 percent
24 reversal of the way the courts thought about the guidelines
25 back in 1987, '88. The guidelines have worked through the

1 system and, I think, as I said, I think everyone has come to
2 accept them. Is it a perfect system? No. Originally, they
3 were mandatory.

4 And I remember having breakfast with Justice Scalia, and
5 it was only about six of us in the room. And he says, you
6 know, these guidelines -- they were mandatory then. He says,
7 these guidelines really are guidelines. And I said, it sounds
8 like I'm talking to Judge Elfvin, because he always was a
9 prior judge here who always talked about the guidelines should
10 be guidelines, not mandatory. Well, the Supreme Court changed
11 all that and Justice Scalia wrote the opinion making the
12 guidelines no longer mandatory.

13 So, we've gone through this whole process and you would
14 think over the years -- and I don't think there's been more
15 litigation in any area of law, both at the district court
16 level and at the circuit court level, more than the
17 guidelines. It seems to have somewhat tapered off as far as
18 circuit court decisions, but there's been a lot written and a
19 lot of decisions on guidelines.

20 And you would think that over the years it would get
21 simpler and easier for judges. Well, if the last week is any
22 indication of the opposite of that that I have experienced,
23 this has, like, been a week from hell for me as far as the
24 guidelines are concerned imposing sentences. I've never
25 had -- spent more time in reading presentence reports,

03:06PM 1 submission by counsel in imposing sentence than I have this
03:06PM 2 week. And that's good. That's my job. My job is to take the
03:06PM 3 time to read everything, and I do read everything. And as I
03:06PM 4 said earlier, contrary to what I thought it would be easy,
03:06PM 5 it's not easy. And it's not -- and if it ever becomes easy,
03:06PM 6 then I think I should immediately retire. I suppose that
03:06PM 7 would make a lot of people happy if I did, but I don't intend
03:06PM 8 to, because I love what I do. And I learn every day.

03:06PM 9 And every case I look at, obviously every case that we
03:06PM 10 have, that doesn't run into many of the factors that cases
03:06PM 11 such as this have. There's a lot of factors here that
03:07PM 12 individuals have -- a lot of things to consider, especially
03:07PM 13 where you're considering the guidelines which are, again,
03:07PM 14 guidelines, but you consider other factors.

03:07PM 15 And it's not an easy job, and it's something that I take
03:07PM 16 very seriously. And I certainly try, to the best of my
03:07PM 17 ability considering all the factors, try to be as impartial as
03:07PM 18 I can be, which I think I am to a large degree, being as fair
03:07PM 19 as I can be. And I do the best I can. Again, I'm not perfect
03:07PM 20 and -- but I try to administer the justice as best I can.

03:07PM 21 This case is certainly -- I've read a lot of -- I read the
03:07PM 22 submissions of the parties which, basically, have now been on
03:07PM 23 file and available. I read all the letters, which are now on
03:08PM 24 file, which are available, and they are certainly helpful.
03:08PM 25 The report is helpful, but also all the submissions by counsel

03:08PM 1 are helpful. So, with that, you know I've spent an enormous
03:08PM 2 amount of time and spent some time here today in preparing all
03:08PM 3 the guidelines.

03:08PM 4 I'd like to take a couple minutes just to reflect on
03:08PM 5 what's been said here in court. I think it would be very
03:08PM 6 difficult, many times, to have the guidelines, read all the
03:08PM 7 reports, come into court, listen carefully to counsel, and not
03:08PM 8 giving counsel -- what they say in court as well as the
03:08PM 9 defendant -- what is being said here, some consideration.

03:08PM 10 Obviously, I'm not going to take a long time, because I'm
03:08PM 11 pretty familiar with everything, but I want to reflect for a
03:09PM 12 few minutes on what was said here today. So, I'm going to
03:09PM 13 take a short break and I'll be back within five minutes or so.
03:09PM 14 Court will be in recess.

03:09PM 15 THE CLERK: All rise.
03:09PM 16 (Brief recess from 3:09 p.m. to 3:20 p.m.)

03:09PM 17 THE CLERK: All rise. You may be seated.

03:20PM 18 THE COURT: Good afternoon again, gentlemen.

03:20PM 19 Pursuant to the Sentencing Reform Act of 1984, it's the
03:20PM 20 judge of the Court that the defendant, Steven Pigeon, is
03:21PM 21 hereby committed to the custody of Bureau of Prisons to be
03:21PM 22 imprisoned for a period of four months. Cost of incarceration
03:21PM 23 fee is waived.

03:21PM 24 Upon release, he shall be placed on supervised release for
03:21PM 25 one year; shall report in person to the probation office in

the district in which he is released within 72 hours; shall comply with the standard conditions of supervised release adopted by the Court. He shall not commit another federal, state, or local crime; shall be prohibited from possessing a firearm or other dangerous device; shall not possess a controlled substance.

Since the instant offense occurred after September 1994, however, is not related to illegal substances, and he does not have a history of substance abuse problem, mandatory requirement for drug testing is waived. He shall cooperate in the collection of a DNA sample as required by the Justice For All Act of 2004. He shall submit to a search of his person, property, vehicle, place of residence, or any other property under his control and permit the confiscation of any evidence or contraband discovered.

The Court finds he does not have the ability to pay a fine; however, I will order the mandatory special assessment of \$100 which is due immediately. Payment shall can begin under the Bureau of Prisons Inmate Financial Responsibility Program.

In determining the sentence, the Court has considered the advisory guideline range and all the arguments raised by the defendant, counsel, as well as the government as to what the appropriate sentence should be. In addition, I have carefully considered the factors in 18 USC 3553(a) and finds the

1 sentence imposed is sufficient but not greater than necessary
2 to comply with the purpose of sentencing set forth in 18 USC
3 Section 3553(a)(2). Although I'm not bound to, I have imposed
4 a sentence a little bit above the midrange.

5 The Court notes that Mr. Pigeon is 61 years old,
6 generally, in good health, had no history of mental health
7 issues, no substance abuse. He is well-educated, having
8 obtained a Bachelor Degree in Political Science and a Juris
9 Doctorate and having passed the bar examinations in both New
10 York and the State of Florida; however, he is no longer able
11 to practice law. He owes a significant amount of money in
12 back taxes and a personal debt.

13 His family has a history in politics. His aunt has
14 described him as a people pleaser, and noted that he entered
15 politics to help people. The Court has received letters from
16 highly respected and prominent individuals in the community.
17 In those letters, his friends and colleagues noted his
18 intelligence, his generosity and commitment to charitable and
19 philanthropic work as well as public service. His friends and
20 colleagues insist that he is remorseful. I have no reason to
21 doubt that. He's made efforts to make amends. He appears to
22 be truly remorseful.

23 At the time of the offense conduct, Mr. Pigeon was a
24 political consultant, a lobbyist, and an attorney based in
25 Buffalo. He was also a former elected official and former

03:24PM 1 Chairman of the Erie County Democratic Committee and well-
03:24PM 2 connected and influential political person in Western New
03:24PM 3 York. He's now lost all of that due to his criminal activity.
03:24PM 4 He was fully compliant with all the terms and conditions of
03:24PM 5 pretrial release.

03:24PM 6 The parties are well aware of the offense conduct. The
03:25PM 7 Court also notes that he already received a benefit in
03:25PM 8 accordance with the plea agreement. Were he to proceed to
03:25PM 9 trial on the original indictment and been convicted on those
03:25PM 10 charges in the indictment, he would have been exposed to a
03:25PM 11 much higher sentence. As far as the criminal history category
03:25PM 12 is concerned, he pleaded guilty in New York State in supreme
03:25PM 13 court on bribery- related charges. The Court expects the
03:25PM 14 state court will sentence Mr. Pigeon in due course.

03:25PM 15 Congress crafted the instant statute because of its
03:25PM 16 concerns with foreign financial influences on our country's
03:25PM 17 elections and the potential impact of that influence on the
03:25PM 18 democratic process in the United States. Mr. Pigeon has
03:25PM 19 tarnished his representation by prioritizing the money
03:26PM 20 interest of his client and himself over the country's national
03:26PM 21 interest that I have just described.

03:26PM 22 The public expects government representatives, including
03:26PM 23 political consultants such as Mr. Pigeon, to act with honesty
03:26PM 24 and integrity; as well as to protect and maintain the interest
03:26PM 25 of citizens for the greater good of the entire community. The

03:26PM 1 defendant's actions were contrary to established law which has
03:26PM 2 been formulated to promote fairness and public confidence in
03:26PM 3 our democracy.

03:26PM 4 The Court has sentenced the defendant, in part, to
03:26PM 5 generally deter criminal conduct of this nature as well as
03:26PM 6 jeopardize the credence that citizens place in our system of
03:26PM 7 governance. The political process requires trust and
03:26PM 8 confidence in voters when it makes election decisions.

03:26PM 9 I have imposed a period of supervised release with special
03:26PM 10 conditions. I am not imposing a fine. I do not believe he
03:27PM 11 has the ability to pay a fine in view of his tax liabilities
03:27PM 12 that he has pending against him as well as personal debt that
03:27PM 13 he now finds himself with.

03:27PM 14 Mr. Pigeon, you have a right to appeal the sentence, sir,
03:27PM 15 if you feel the Court misapprehended its authority or it
03:27PM 16 imposed an illegal sentence; however, you did waive your right
03:27PM 17 to appeal. If you feel that waiver is not a valid waiver, you
03:27PM 18 may take that issue before the Second Circuit Court of
03:27PM 19 Appeals. I will allow for a voluntary surrender at a time and
03:27PM 20 place designated by the US Bureau of Prisons.

03:27PM 21 MR. CAMBRIA: We'd like to have him surrender today,
03:27PM 22 Your Honor, right now.

03:27PM 23 THE COURT: All right.

03:27PM 24 MR. CAMBRIA: And we appreciate your consideration.

03:27PM 25 THE COURT: All right. He'll be -- I don't know if

03:27PM 1 there's a marshal in the courtroom. So, he'll surrender today
03:27PM 2 to the US Marshals for beginning his service. All right.
03:27PM 3 Anything further?

03:27PM 4 MR. KELLER: Your Honor, the government would move,
03:28PM 5 at this time, to dismiss Counts 1 through 8 of the original
03:28PM 6 indictment in this case.

03:28PM 7 THE COURT: Motion is granted. Court will be in
03:28PM 8 recess. And, counsel, thank you very much for your
03:28PM 9 submissions. They were very helpful in trying to render a
03:28PM 10 fair and just sentence.

03:28PM 11 MR. CAMBRIA: Thank you, Your Honor.

03:28PM 12 THE CLERK: All rise.

03:28PM 13 (Proceedings concluded at 3:28 p.m.)
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I certify that the foregoing is a
correct transcription of the proceedings
recorded by me in this matter.

s/ Megan E. Pelka, RPR

Official Court Reporter